

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 445 OF 2006
IN
CRI. APPEAL NO. 349 OF 2006

Javed Abdul Wahid Shaikh ..Applicant.

V/s.

State of Maharashtra & Anr. .. Respondents.

Mr. Nitin Sejpal with Pooja Bhojande for the Applicant.

Mrs. S.D. Shinde, APP for the Respondent State.

CORAM : D. G. DESHPANDE
S. A. BOBDE, JJ.

DATED : 28TH JUNE, 2006.

P.C.:

1. Heard the learned Advocate for the Applicant-Accused and learned APP for the Respondent State.

2. This is an application for bail. The applicant-accused is convicted with others, under section 302 read with section 34 of the I.P.C.. As per record of the prosecution, the victim was assaulted by five persons. The cause of death is cerebral haemorrhage. Accused No.2, according to the eye witnesses, assaulted the deceased with wooden square log and this accused assaulted the deceased with fists and kicks blows. The applicant accused has not used any weapon and there is

no evidence of any such use of weapon by him. He is convicted under section 302 by reason of section 34 of the IPC, sharing a common intention. But looking to the facts and circumstances and the role played by the applicant -accused, even as per the finding of the trial court, the accused is entitled to be released on bail.

3. The application of the applicant accused is allowed. The applicant-accused be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one or two solvent sureties in the like amount. The applicant accused shall attend the concerned police station once in a month, in the first week of every month between 4 p.m. to 6 p.m. till the Appeal is disposed of. His substantive sentence is suspended pending the Appeal. Fine, if any, to be paid before his release on bail.

4. Criminal Application for bail is disposed of in the above terms.

(D.G.DESHPANDE, J)

Dt.28.06.2006

(S.A. BOBDE, J)

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